

Court No. - 8

Case :- WRIT - A No. - 8589 of 2025

Petitioner :- Indra Pratap Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Goods And Service Tax Gst Lko And Another

Counsel for Petitioner :- Alok Mishra, Devanand Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State counsel for opposite parties.
2. Petition has been filed challenging order dated 17.07.2025 whereby petitioner has been placed under suspension in contemplation of departmental inquiry.
3. It has been submitted that impugned order has been passed on alleged complaint made against petitioner by partner in a firm pertaining to allegations of the year 2016-2017. It is submitted that allegation levelled is that in a audio clip, petitioner is heard demanding bribe. It has also been submitted that impugned order has been passed without any application of mind or even determining veracity/genuineness of the alleged audio clip. It is also submitted that allegations levelled against petitioner are stale.
4. Learned State counsel has been provided written instructions dated 04.08.2025, copy of which is taken on record and submits that it has not been specifically indicated in the instructions that any preliminary inquiry took place prior to passing of impugned order. He however submits that since allegations levelled against petitioner are serious in nature, it was required to place him under suspension in contemplation of inquiry. It is submitted that complaint has been made against petitioner duly supported by an affidavit.
5. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, the facts as indicated herein above are admitted. However, perusal of impugned order also makes it evident that petitioner has been suspended only on the ground of complaint having been filed pertaining to bribe being allegedly sought by him as indicated in an audio clip. The order does not indicate any efforts made by disciplinary authority to ascertain genuineness of the

aforesaid audio clip.

6. The aspect that disciplinary authority even while passing an order of suspension is required to apply his mind and record a prima facie satisfaction with regard to guilt or otherwise of delinquent employee has been enunciated by the Division Bench of this Court in the case of **Arvind Kumar Ram vs. State of Uttar Pradesh and others, 2007(4) AWC 4163 All** and in turn places reliance on judgment of Supreme Court in the case of **State of Orissa vs. Bimal Kumar Mohanty, MANU/SC/0475/1994**.

7. Upon applicability of aforesaid judgments in the present facts and circumstances of the case, it is evident that disciplinary authority is not automatically required to suspend an employee on the basis of any complaint or allegation levelled against him and he is necessarily required to apply his mind to the allegations levelled and to record prima facie satisfaction with regard to complicity of the delinquent employee.

8. In the present facts, no such efforts appear to have been made by the disciplinary authority prior to issuance of impugned suspension order which would be necessary in view of the fact that sole allegation levelled against petitioner is based on an audio clip, the genuineness of which is yet to be tested.

9. In view thereof, the impugned order dated 17.07.2025 being unsustainable is hereby quashed by issuance of writ in the nature of certiorari granting liberty to the disciplinary authority to pass order afresh only after recording prima facie satisfaction with regard to genuineness of the audio clip.

10. Resultantly, the writ petition succeeds and is allowed at the admission stage itself. Parties to bear their own costs.

Order Date :- 5.8.2025

Renu/-